

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	20cv2289 (DLC)
SHAWMUT WOODWORKING & SUPPLY, INC.	:	
d/b/a SHAWMUT DESIGN AND CONSTRUCTION,	:	PRETRIAL
	:	<u>SCHEDULING ORDER</u>
Plaintiff,	:	
	:	
-v-	:	
	:	
STARBUCKS CORPORATION d/b/a STARBUCKS	:	
COFFEE COMPANY,	:	
Defendant.	:	
	:	
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DENISE COTE, District Judge:

As set forth at the telephonic conference held pursuant to Rule 16, Fed. R. Civ. P., on July 24, 2020, the following schedule shall govern the further conduct of pretrial proceedings in this case:

1. No additional parties may be joined or pleadings amended after **August 7, 2020**.
2. The parties shall submit any proposed protective order by **August 7, 2020**.
3. By **October 30, 2020**, the parties shall conduct written discovery essential to settlement discussions and the depositions of Liz Mueller, Jill Enomoto, Michael Amore, and Jeff Tobin.
4. Pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer

so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.

5. The parties shall participate in private mediation in **November, 2020**.
6. All fact discovery must be completed by **March 26, 2021**.
7. Plaintiff's identification of experts and disclosure of expert testimony conforming to the requirements of Rule 26(a)(2)(B), Fed. R. Civ. P., must occur by **April 16, 2021**. Defendant's identification of experts and disclosure of expert testimony must occur by **May 7**.
8. All discovery must be completed by **May 28, 2021**.
9. The Joint Pretrial Order must be filed by **June 18, 2021**.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. In the event a party does not file a Memorandum of Law, a responsive Memorandum of Law should not be submitted unless in reply to an unanticipated legal argument in the other party's Memorandum of Law.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, **but not filed**, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

At the time the above-described documents are filed or served, counsel shall also send a complete set of the documents to the Court's Chambers email: Cotenysdchambers@nysd.uscourts.gov. The case name, case number, and email contents should be clearly set forth in the email's subject line.

IT IS HEREBY ORDERED that the case is placed on the **July 2021** trial ready calendar. You must be ready to proceed on 24 hours notice. You may contact the Deputy Clerk, Gloria Rojas, to learn where your case stands on the calendar.


IT IS FURTHER ORDERED that the following procedures shall govern the conduct of the trial.

1. All exhibits must be pre-marked and assembled sequentially in a digital folder labelled with the exhibit numbers for ready reference.
2. In advance of the trial, each party will send a complete list of exhibits to the Court's Chambers email: Cotenysdchambers@nysd.uscourts.gov. The list of exhibits should include witness affidavits and charts or summaries of evidence. The case name, case number, and email contents should be clearly set forth in the email's subject line.
3. Testimony will generally be taken between 9:30 and 5:00 from Monday through Thursday. There will be a mid-morning, a mid-afternoon and a lunch break from 12:45 to 2:00 p.m.
4. Counsel should make certain that they have custody of all original exhibits. The Court does not retain them and the

Clerk is not responsible for them.

SO ORDERED:

Dated: New York, New York  
July 24, 2020

  
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DENISE COTE  
United States District Judge